



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

KD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

[Faint, illegible text, possibly a stamp or handwritten note]

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

25

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	25

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reply filed on July 14, 2000 is not fully responsive to the prior Office action because of the following omission(s) or matter(s) set forth in the attached sheets. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, Applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1638

**Notice of Non-responsive Amendment**

1. The Office acknowledges receipt of Applicant's amendment F and response, the Information Disclosure Statement, and the Deposit Letter, all filed July 14, 2000. Applicant by this amendment has cancelled all the previously submitted claims except claim 71 and has entered new claims 74-120. Unfortunately, Applicant did not provide any clear and specific indication which claims they consider to read on the elected invention and species. Applicant did not cancel the non-elected inventions and species. Though Applicant does indicate that some of the claims find support in some of the cancelled claims, this discussion is at best incomplete, with regard to determining which claims correspond to the elected invention and species. The necessity for requiring Applicant to clearly point out which claims they feel correspond to the elected invention and species is provided in both Applicant's traversal to the restriction requirement and in Applicant's request to vacate the previous Office action. In the request to vacate the previous Office action, Applicant correctly points out that the Office failed to examine 3 claims that were part of the elected invention and species. Since Applicant cancelled all but one of the previous claims, but did not cancel claims to all of the non-elected inventions and species, Applicant's failure to provide a statement as to which of the new claims read on the elected invention and species could lead to a similar situation occurring in the next action by the Office. Moreover, it would be especially difficult to respond to Applicant's latest traversal of the restriction requirement if the claims Applicant feels corresponds to each invention and species does not match up with the claims the Office considers to correspond to each invention and species.

Art Unit: 1638

Accordingly, Applicant is required in response to this Notice to provide a clear indication of how the new claims correspond to the inventions and species as set forth in the Office action of June 7, 1999.


2. Papers relating to this application may be submitted to Technology Sector 1 by facsimile transmission. Papers should be faxed to Crystal Mall 1, Art Unit 1638, using fax number (703) 308-4242. All Technology Sector 1 fax machines are available to receive transmissions 24 hrs/day, 7 days/wk. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Bui whose telephone number is (703) 305-1996. The Examiner can normally be reached Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Paula Hutzell, can be reached at (703) 308-4310.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0196.

Phuong Bui  
Primary Examiner  
Group Art Unit 1638  
September 27, 2000

  
PHUONG T. BUI  
PRIMARY EXAMINER